

LATHAM & WATKINS LLP  
Peter A. Wald (Bar No. 85705)  
peter.wald@lw.com  
Darius Ogloza (Bar No. 176983)  
darius.ogloza@lw.com  
Sarah M. Ray (Bar No. 229670)  
sarah.ray@lw.com  
Jonathan F. Beardsley (Bar No. 240994)  
jonathan.beardsley@lw.com  
505 Montgomery Street, Suite 2000  
San Francisco, California 94111-2562  
Telephone: +415.391.0600  
Facsimile: +415.395.8095

Attorneys for Defendant  
EQUITY TRUST (JERSEY) LIMITED

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

OLIVER HILSEN RATH,  
  
Plaintiff,  
  
v.  
  
EQUITY TRUST (JERSEY) LIMITED,  
CANDOVER INVESTMENTS PLC, AND  
DOES 1-10,  
  
Defendants.

CASE NO. C-07-4162 CW

DEFENDANT EQUITY TRUST (JERSEY)  
LIMITED'S AMENDED NOTICE OF MOTION  
AND MOTION TO DISMISS COMPLAINT  
FOR IMPROPER VENUE, LACK OF  
PERSONAL JURISDICTION,  
INSUFFICIENCY OF SERVICE OF PROCESS,  
AND *FORUM NON CONVENIENS*

Date: November 1, 2007  
Time: 2:00 p.m.  
Place: Courtroom 2  
Judge: Honorable Claudia Wilken

Complaint Filed: August 14, 2007

**NOTICE OF MOTION AND MOTION**

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that defendant Equity Trust (Jersey) Limited (“ETJL”), hereby moves this Court, pursuant to Federal Rule of Civil Procedure (“FRCP”) 12(b)(3), to dismiss the complaint on the basis that venue in this court is improper under forum selection clauses set forth in the management agreement and settlement agreement that govern relations between ETJL and plaintiff and are applicable to this case. In the alternative, ETJL moves, pursuant to FCRP 12(b)(2) and 12(b)(4), to dismiss the complaint on the related bases that this Court lacks personal jurisdiction over ETJL and insufficiency of service of process. As a second alternative, this Court should dismiss the complaint under the *forum non conveniens* doctrine.

These alternative motions are set to be heard on November 1, 2007 at 2:00 p.m., or as soon thereafter as they may be heard, before the Honorable Claudia Wilken in Courtroom 2 of the above-named Court at 1301 Clay Street, Oakland, California.

**RELIEF REQUESTED**

ETJL seeks an Order dismissing the complaint because venue is improper under forum selection clauses applicable to this case. Alternatively, ETJL seeks dismissal for lack of personal jurisdiction/insufficiency of process and for *forum non conveniens*.

Dated: September 19, 2007

Respectfully Submitted,

LATHAM & WATKINS LLP

By /s/ Jonathan Beardsley  
ATTORNEYS FOR EQUITY TRUST  
(JERSEY) LIMITED